

JOSEPH P. RUSSONIELLO (CSBN 44332)  
United States Attorney

BRIAN J. STRETCH (CSBN 163973)  
Chief, Criminal Division

DAVID R. CALLAWAY (CSBN 121782)  
Assistant United States Attorney

150 Almaden Blvd., Suite 900  
San Jose, California 95113  
Telephone: (408) 535-5596  
E-mail: David.Callaway@usdoj.gov

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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	No. CR 05-00812 RMW
	)	
Plaintiff,	)	PARTIES' JOINT REQUEST TO
	)	CONTINUE TRIAL DATE; <input type="checkbox"/>
v.	)	ORDER VACATING TRIAL DATE AND
	)	SETTING HEARING
SUIBIN ZHANG,	)	
	)	Date: June 4, 2009
Defendant.	)	Time: 2:00 p.m.
	)	
	)	Before The Honorable Ronald M. Whyte

The parties jointly ask the Court to continue the trial, currently scheduled to begin on July 6, 2009, to a date in September to be determined. The government initially suggested the continuance to defense counsel, based on personal reasons (needing to schedule a visit during the week of June 29, 2009 – *i.e.*, the week before trial was scheduled to begin – to spend time with a family member experiencing health problems). Defense counsel graciously agreed, and also noted that he could use the additional time for effective preparation. In addition, government counsel was recently promoted to chief of the San Jose Branch, which is no big deal in and of itself, but does mean that it would be preferable if he were not in trial during the upcoming triennial Department of Justice Evaluation and Review Staff (EARS) audit, also scheduled for

**REQUEST TO CONTINUE TRIAL DATE;**  
**☐ ORDER SETTING HEARING**

1 the week of July 6, 2009.

2 For the foregoing reasons, the parties jointly request that the currently-scheduled trial  
3 date be vacated and that a new date be set at the hearing on June 4, 2009, at 2:00 p.m., and  
4 further agree that the time between July 6<sup>th</sup> until the new trial date may be excluded from the  
5 speedy trial clock for the reasons set forth above (continuity of counsel for the government,  
6 effective preparation for the defense), as well as based on the Court's previous finding of  
7 complexity.

8 SO STIPULATED:

9 DATED: 5-27-09

JOSEPH P. RUSSONIELLO  
United States Attorney

11 / s /

12 DAVID R. CALLAWAY  
Assistant United States Attorney  
Counsel for United States

14 DATED: 5-27-09

BARRY J. PORTMAN  
Federal Public Defender

16 / s /

17 MANUEL ARAUJO  
Assistant Federal Public Defender  
Counsel for Suibin Zhang

20 **ORDER**

21 For the reasons set forth above, and good cause appearing,

22 IT IS HEREBY ORDERED that the trial date of the captioned case, currently scheduled  
23 to begin on July 6, 2009, is VACATED. A new date will be set at the hearing on June 4, 2009,  
24 at 2:00 p.m., before The Honorable Ronald M. Whyte. The Court defers any findings regarding  
25 excludible time until the hearing.

26 8/12/09

27   
28 RONALD M. WHYTE  
United States District Judge

REQUEST TO CONTINUE TRIAL DATE;  
☐ ORDER SETTING HEARING